

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-19068 - APPLICANT: ACELERO LEARNING - OWNER:  
LUZ MARIE SANCHEZ**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Prior to the issuance of a business license the removal of all graffiti from doors and walls and repair of the chain link fencing, including slating, must be completed.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Child Care Center use on property at 4301 Stewart Avenue. An approved Special Use Permit (SUP-5392) expired in October 2006 for this site due to the activity ceasing for more than a year.

The applicant intends the proposed childcare center use to provide day care services and preschool activities that will compliment the neighborhood. The use is compatible with the surrounding area. Staff recommends approval.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| 02/28/80  | The Board of Zoning Adjustment approved a request for a Variance (V-0003-80) to allow a commercial child care facility (Kinder Care Learning Center) on the subject property.  |
| 04/02/80  | The Board of City Commissioners denied an appeal of the Board of Zoning Adjustment's approval of the Variance (V-0003-80) to allow a commercial child care facility on the subject property.   |
| 11/14/03  | The Child Care Facility use on the subject site ceased business operations.  |
| 11/14/04  | The Variance (V-0003-80) to allow the Child Care Facility use became void.   |
| 12/15/04  | The City Council approved a request for a Special Use Permit (SUP-5392) to allow a commercial child care facility (Whiz Kidz Elite Pre-school) on the subject property. The Planning Commission and staff had recommended approval.  |
| 10/24/05  | The Child Care Facility use on the subject site ceased business operations.  |
| 10/24/06  | The Special Use Permit (SUP-5392) to allow the Child Care Facility use became void.  |
| 02/22/07  | <a href="#">The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #7/rts).</a>   |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |  |
| 01/03/05  | A building permit application, plan check L-592-05, was submitted for the site. This was for a Non-work Certificate of Occupancy. This permit (05000012) was reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day as submitted.   |
| 02/28/05  | A business license for a N15 (Child Care Center - Preschool - Combination of a child care center (N10) and a preschool center (N13)) category license was processed in by the Department of Finance and Business Services. This license (N15-00054) was issued by Business Services on 08/11/05 with no apparent Planning and Development review. This license has been marked out of business as of 10/24/05. |

|  |  |
|--|--|
| 12/19/06   | A business license for a N16 (Child Care Center - Preschool - Nursery - Combination of a child care center (N10), a nursery for infants and toddlers (N12), and a preschool (N13)) category license was processed in. This license (N16-99799) has not yet been reviewed by Planning and Development and would be subject to approval of a new Special Use Permit as the prior approval (SUP-5392) expired on 10/24/06. This license has not been issued as of 01/29/07. |
| <b><i>Pre-Application Meeting</i></b>                    |  |
| 12/20/06   | A pre-application meeting was held and elements of this application were discussed. It was noted that photos would suffice for the elevation since this is an existing structure. Submittal requirements were discussed.   |
| <b><i>Neighborhood Meeting</i></b>                       |  |
| A neighborhood meeting is not required nor was one held. |  |

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|--|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.65 |

| Surrounding Property | Existing Land Use          | Planned Land Use               | Existing Zoning   |
|----------------------|----------------------------|--------------------------------|---|
| Subject Property     | Child Care Center (Vacant) | SC (Service Commercial)        | R-E (Residence Estates)                                     |
| North                | Condominiums               | M (Medium Density Residential) | R-PD16 (Residential Planned Development – 16 Unit Per Acre) |
| South                | Multi-Family Residential   | M (Medium Density Residential) | R-3 (Medium Density Residential)                            |
| East                 | Multi-Family Residential   | M (Medium Density Residential) | R-3 (Medium Density Residential)                            |
| West                 | Multi-Family Residential   | M (Medium Density Residential) | R-3 (Medium Density Residential)                            |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | X                | N/A                      |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   | X                | N/A                      |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

| <b>Parking Requirement</b>           |  |  |                |                 |                |                   |   |
|--------------------------------------|--|--|----------------|-----------------|----------------|-------------------|---|
| <b>Use</b>                           | <b>Gross Floor Area or Number of Units</b> | <b>Required</b>                                  |                | <b>Provided</b> |                | <b>Compliance</b> |   |
|                                      |  | <b>Parking Ratio</b>                             | <b>Parking</b> |                 | <b>Parking</b> |                   |   |
|                                      |  |  | Regular        | Handi-capped    | Regular        | Handi-capped      |   |
| Child Care Center                    | 4,725 SQFT                                 | 1 space / staff member and 1 space / 10 children | 13 Spaces      | 1 Space         | 13 Spaces      | 1 Space           | Y |
| <b>TOTAL</b><br>(including handicap) |  |  | 14 Spaces      |                 | 14 Spaces      |                   |   |

## ANALYSIS

The site is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. This category allows for low to medium intensity retail, office and commercial uses. The existing current R-E (Residence Estates) zoning classification does not conform to the SC (Service Commercial) designation; however, the Child Care Center use is a compatible commercial use and is allowed within an R-E (Residence Estates) zone with an approved Special Use Permit. There are no base conditions for approval of a Special Use Permit for a Child Care Center use. These projects are evaluated on a case-by-case basis and conditions are imposed as needed.

A Child Care Center by definition is a commercial facility in which the licensee regularly provides day or overnight care for more than 12 children. The facility is subject to the childcare regulations and standards of the Department of Business Activity. The proposed Child Care Center is an allowed use with the approval of this Special Use Permit.

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Child Care Center use and there are no other licensed child care providers within the 750-foot notification distance.

The current 4,725 square-foot facility had been in operation at various times since the early 1980s. The site had been licensed as a Child Care Center and a Nursery, but the license expired in November 2003. Later, the site was licensed as a Child Care Center and a Preschool, but that license expired in October 2005. The Child Care Center use had been approved through a previous use Variance (V-0003-80), an entitlement that is no longer permitted by the Zoning

Code and later a Special Use Permit (SUP5392). These entitlements became void in November 2004 and October 2006, respectively. The proposed Special Use Permit would legitimize the use within the R-E (Residence Estates) zoning district. No changes will be made to the exterior of the structure; however, due to the graffiti and damage to the chain link fence a condition of approval has been added that prior to licensing appropriate repairs be made to the site.

The parking standard for a Child Care Center is one space for each staff member plus one space for each ten students at peak capacity. The site will have sufficient parking for the proposed number of staff members and the potential of up to a maximum 100 students at any one time. The business license review by the Department of Finance and Business Services may reduce the number of allowable students based on their evaluation during the licensing process. There are no on-site loading spaces required.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Although the subject property is surrounded by multi-family residential uses on adjacent parcels, the proposed Child Care Center use has previously existed on the site without creating nuisances to the neighborhood. Therefore, it can be conducted in a manner that is harmonious with surrounding land uses and any future land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The approved site plan will provide sufficient play areas, parking and building facilities to accommodate the students and staff.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Stewart Avenue is a Primary Thoroughfare (100-foot) per the City’s Master Planned Streets and Highways that will provide the primary access to the site. This street will be adequate in size to accommodate the proposed Child Care Center use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Child Care Center use will be subject to regular inspection for compliance with applicable codes; therefore, the use will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 11

**SENATE DISTRICT** 10

**NOTICES MAILED** 440 by City Clerk

**APPROVALS** 0

**PROTESTS** 0